

JUN 20 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lee et al.)
Filed: July 18, 2003) Group Art Unit: 1743
Serial No.: 10/623,436) Examiner: Hardy, D.
Title: Reaction Cuvette Having Anti-Wicking Features)
for Use in an Automatic Clinical Analyzer)
Attorney Docket: DCS-9158)

TRANSMITTAL LETTER

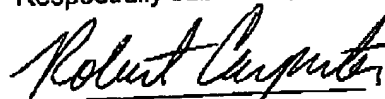
VIA FACSIMILE - (571) 273-8300
ATTN: OFFICE OF PETITIONS

Dear sir:

Enclosed please find for the above-referenced application:

- 1) A Request for Reconsideration of Holding of Abandonment (2pgs, 1cc);
- 2) Copy of Status Letters dated June 12, 2006 (3pgs, 1cc); and
- 3) Copy of the timely filed Response to Notice to File Corrected Application Papers faxed on February 9, 2006 (5pgs, 1cc).

Respectfully submitted,

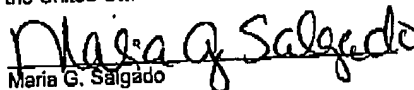


Robert N. Carpenter
Registration No. 40,409
Attorney for Applicant

DADE BEHRING INC.
1717 Deerfield Road #778
Legal Dept. - Patents
Deerfield, Illinois 60015-0778
Telephone: 847-267-5351

CERTIFICATION OF TRANSMISSION

I hereby certify that this document is being transmitted to the United States Patent Office, via facsimile number (571) 273-8300, on this 20 day of June 2006.


Maria G. Salgado

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JUN 20 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Lee et al.)	
Filed:	July 18, 2003)	
Serial No.:	10/623,436)	Group Art Unit: 1743
Title:	Reaction Cuvette Having Anti-Wicking Features for Use in an Automatic Clinical Analyzer)	Examiner: Hardy, D.
Atty Docket No.:	DCS-9158)	

**REQUEST FOR RECONSIDERATION
OF HOLDING OF ABANDONMENT****VIA FACSIMILE - (571) 273-8300**
ATTN: OFFICE OF PETITIONS

Dear Sir:

The applicants request the withdrawal of the holding of abandonment in the status letter of June 15, 2006.

The holding of abandonment is based upon the applicants alleged failure to respond to the Notice to File Corrected Application Papers mailed February 3, 2006. However, the applicants did fully respond on February 9, 2006, a copy of which is attached along with proof of transmission. Accordingly, there is no abandonment in fact.

Applicants believe no fee is due at this time. However, in the event that it is determined that a fee is due, the Director is hereby authorized to charge the following fees, any underpayment of fees, credit any overpayments, or any other charges during the pendency of this application

CERTIFICATE OF TRANSMISSION

I hereby certify that this document is being transmitted to the United States Patent Office, via facsimile number (571) 273-8300, Attn: Office of Petitions, on this 20 day of June 2006.


Maria G. Salgado

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Appl. No. 10/623,436

to Deposit Account No. 04-0010. Three copies of this letter are enclosed for accounting purposes.

If applicants can do anything further to advance the application to issue, please contact the applicants' representative below.

Respectfully submitted,



Robert N. Carpenter
Registration No. 40,409
Attorney for Applicants

DADE BEHRING INC.
1717 Deerfield Rd., Box 778
Deerfield, IL 60015-0778
Phone Contact: 847-267-5351
Fax Contact: 847-267-5376



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 ASSISTANT SECRETARY OF COMMERCE AND
 COMMISSIONER OF PATENTS AND TRADEMARKS
 P. O. Box 1450
 Alexandria, VA 22313-1450

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JUN 20 2006

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/623436	07/18/03	Lee, et al	DCS-9158

EXAMINER	
Hardy, D	
ART UNIT	PAPER NUMBER
1743	

Date 06/15/06
 Name Robert N. Carpenter
 Phone # 847-267-5351
 Fax # 847-267-5367

STATUS LETTERS

Transmitted by facsimile 06/12/06

In response to your communication filed on Date

- ☐ 1. A Notice of Allowance for the above-identified application was mailed on
- ☐ 2. The above-identified application has been assigned a patent number and issue date. An issue notification will be mailed within ____ weeks.
- ☐ 3. The above-identified application has been assigned a patent number and issue date _____.
- ☒ 4. This application is in location 7410 as of 10/10/05
- ☒ 5. I Spoke with Atty R. Carpenter, He was informed that his appl is technical abandon because a File Corrected Appl notice was mail 02/03/06 was never responded to.

If you have any question. You may call the Office of Publication's Customers Service Office on 571-272- 4200 or by facsimile on 703-308-5065.

Gaynell Lewis.
 Contact Repersentative, Customer Service Office.
 Office Of Patent Publication.

JUN. 20. 2006 12:00PM

8472675376

NO. 1700 P. 5



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lee, et al.
Filed: July 18, 2003
Serial No.: 10/623,436
Title: Reaction Cuvette Having Anti-Wicking Features for Use in an Automatic Clinical Analyzer
Attorney Docket: DCS-9158

Group Art Unit: 1743
Examiner: Hardy, D.

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JUN 20 2006

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TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regards to the above-referenced application, enclosed please find:

- 1) Status Inquiry; and
- 2) Return Postcard.

Respectfully submitted,

Robert N. Carpenter
Registration No. 40,409
Attorney for Applicant

DADE BEHRING INC.
1717 Deerfield Road #778
Legal Dept. - Patents
Deerfield, Illinois 60015-0778
Telephone: 847-267-5351

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of June 2006.

Susan Henderson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lee, et al.

Filed: **July 18, 2003**

Serial No.: 10/623,436

Title: Reaction Cuvette Having Anti-Wicking Features for Use in an Automatic Clinical Analyzer

Atty Docket: DCS-9158

Group
Art Unit: 1743.
Examiner: Hardy, D.

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JUN 20 2006

STATUS INQUIRY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

Assignee, Dade Behring Inc. is the owner of the above-referenced patent application. Assignee's files show no correspondence to/from the PTO since Assignee's Response to Notice to File Corrected Application Papers dated February 9, 2006.

As of this date we have not received any further correspondence regarding this application.

Respectfully submitted,

Robert N. Carpenter
Robert N. Carpenter
Registration No. 40,409
Attorney for Applicant

DADE BEHRING INC.
1717 Deerfield Road #778
Legal Dept. - Patents
Deerfield, IL 60015-0778
Phone Contact: 847-267-5351
Fax Contact: 847-267-5376

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of June 2008.

Susan Henderson
Susan Henderson

8472675376

NO. 1700 P. 7 P. 1

* * * COMMUNICATION RESULT REPORT (FEB. 9. 2006 1:49PM) * * *

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FAX HEADER 2:

TRANSMITTED/STORED : FEB. 9. 2006 1:48PM
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4/4

REASON FOR HANGUP OR LINE FAIL

FM-2) BUBBY
FM-4) NO FACES; MILE CONNECTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lee et al.

Filed: July 18, 2003

Serial No.: 10/823,436

Title: Reaction Cuvette Having Anti-Wicking Features
For Use In an Automatic Clinical Analyzer

Attorney Docket: DCS-9158

Group Art Unit: 1743

Examiner: Handy, D.

TRANSMITTAL LETTER

VIA FACSIMILE - (571) 273-8009

Attn: Roni Burch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regards to the above-referenced application, enclosed please find:

- 1) Copy of Notice to File Corrected Application Papers (1cc, 1pg);
- 2) Response to Notice to File Corrected Application Papers (1cc, 1pg);
- 3) Specification page 8, [0036] with serial number filled-in (1 pg); and

Respectfully submitted,

Robert N. Carpenter
Robert N. Carpenter
Registration No. 40,409
Attorney for Applicant

DADE BEHRING INC.
1717 Deerfield Road #778
Deerfield, Illinois 60015-0778
Telephone: 847-267-6351
Fax: 847-267-5376

CERTIFICATION OF TRANSMISSION

CERTIFICATION OF TRANSMISSION

I hereby certify that this document is being transmitted to the United States Patent Office, via facsimile number (571) 273-9009, on this 9 day of February 2006.

Manoel A. Salgado

Maria G. Salgado

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JUN 20 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Lee et al.)	
Filed:	July 18, 2003)	
Serial No.:	10/623,436)	Group Art Unit: 1743
Title:	Reaction Cuvette Having Anti-Wicking Features For Use in an Automatic Clinical Analyzer)	Examiner: Handy, D.
Attorney Docket:	DCS-9158)	

TRANSMITTAL LETTERVIA FACSIMILE -- (571) 273-9009Attn: Rori Burch

Commissioner for Patents

P.O. Box 1450

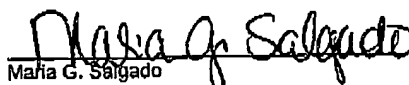
Alexandria, VA 22313-1450

Dear Sir:

With regards to the above-referenced application, enclosed please find:

- 1) Copy of Notice to File Corrected Application Papers (1cc, 1pg);
- 2) Response to Notice to File Corrected Application Papers (1cc, 1pg);
- 3) Specification page 8, [0035] with serial number filled-in (1 pg); and

Respectfully submitted,

Robert N. Carpenter
Registration No. 40,409
Attorney for ApplicantDADE BEHRING INC.
1717 Deerfield Road #778
Deerfield, Illinois 60015-0778
Telephone: 847-267-5351
Fax: 847-267-5376CERTIFICATION OF TRANSMISSIONI hereby certify that this document is being transmitted to the United States Patent Office, via facsimile number (571) 273-9009, on this 9 day of February 2006.
Maria G. Salgado

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COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Serial Number
10623436

Date Mailed
2/03/06

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- ♦ Specification page 8, [0035] serial number is missing. Fax missing information to number below or e-mail.
- o For status updates visit <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR System, contact the Electronic Business Center (EBC) toll free at 866-217-9197.

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.

A copy of this notice **MUST** be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

A handwritten signature in black ink, appearing to read "Rori Burch", written over a horizontal line.

Rori Burch
USPTO
Publishing Division
Rori.burch@uspto.gov
Fax (571) 273-9009
Fax (703) 308-6642
703-305-0333 ext.135 (V)

JUN 20 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Lee et al.

Filed: July 18, 2003

Serial No.: 10/623,436

Title: Reaction Cuvette Having Anti-Wicking Features
for Use in an Automatic Clinical Analyzer

Atty Docket: DCS-9158

Group
Art Unit: 1743

Examiner: Handy, D.

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERSVIA FACSIMILE - (571) 273-9009Attn: Rori Burch

Commissioner for Patents

P.O. Box 1450

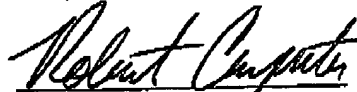
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Corrected Application Papers dated February 3, 2006, attached hereto is specification page 8, [0035] with the serial number filled-in. No new matter has been added.

Applicants believe that no fee is due, however, if any fee is due, please charge the fee or any additional amount required for filing this document to our Deposit Account No. 04-0010. This authorization is provided in triplicate for accounting purposes.

Respectfully submitted,

Robert N. Carpenter
Registration No. 40,409
Attorney for ApplicantDADE BEHRING INC.
1717 Deerfield Road #778
Legal Dept. - Patents
Deerfield, IL 60015-0778
Phone Contact: 847-267-5351CERTIFICATION OF TRANSMISSION

I hereby certify that this document is being transmitted to the United States Patent Office, via facsimile (571) 273-9009, on this _____ day of February 2006.

Maria G. Salgado

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reagent cartridge 30, the probes 60P and 62P subsequently being shuttled to a reagent dispensing location where reagent(s) are dispensed into reaction cuvettes 24. A number of reagent cartridges 30 are inventoried in controlled environmental conditions inside reagent storage areas 26 and 28; a key factor in maintaining high assay throughput is the ability to quickly and accurately shuttle reagent cartridges 30 inside reagent storage areas 26 and 28 to reagenting locations for access by probes 60P and 62P.

[0035] Reaction cuvette load station 61 and reaction vessel load station 63 are respectively positioned proximate outer cuvette carousel 14 and inner vessel carousel 16 and are adapted to load reaction cuvettes 24 into cuvette ports 20 sideways as described later and reaction vessels 25 into vessel ports 22 using for example a sliding chute 65. In operation, used cuvettes 24 in which an assay has been finally conducted, are washed and dried in a wash station 67 like disclosed in co-pending application Ser. No. 10/623,360 assigned to the assignee of the present invention. Subsequent assays are conducted in cleaned used cuvettes 24 unless dictated otherwise for reasons like disclosed in co-pending application Ser. No. 10/318,804 assigned to the assignee of the present invention. Cuvette unload station 59 is adapted to remove unusable reaction cuvettes 24 from cuvette ports 20 again using a translatable robotic arm 65 like seen on load stations 61 and 63.

[0036] The reaction cuvette 24 shown in FIGS. 5 to 8 exemplifies a first embodiment of the present invention as comprising an essentially rectangular box-shaped part 24 with a mutually opposed front wall 70 and back wall 72 (FIGS. 5 and 8) perpendicular to and separating two mutually opposed side walls 74 and 76 (FIGS. 5 and 7). Fig. 5 is a external isometric view of reaction cuvette 24 illustrating a generally rectangular lower section 80 supporting an open top section 84 of cuvette 24. FIG. 6 is a top plan view showing a pair of projecting ledges 92 on opposing sides of cuvette 24, each ledge 92 having a latching bulge 94 formed therein. FIG. 6A is a simplified top plan view showing the bottom surface 78 of lower section 80. FIG. 7 is a cross-section view taken along lines A-A of FIG. 6 and FIG. 8 is a cross-section view along lines B-B of FIG. 6. FIG. 7A is a perspective view of the cross-section view of FIG. 7. A curved bottom surface 78 disposed between front wall 70 and back wall 72 integrates side walls 74 and